

MINUTES
MALIBU CITY COUNCIL
REGULAR MEETING
JANUARY 12, 2004
COUNCIL CHAMBERS
6:30 P.M.

CALL TO ORDER

Mayor Kearsley called the meeting to order at 6:33 p.m.

ROLL CALL

The following persons were recorded in attendance by the Recording Secretary:

PRESENT: Mayor Ken Kearsley, Mayor Pro Tem Sharon Barovsky, Councilmembers Joan House, Jeffrey Jennings and Andrew Stern.

ALSO PRESENT: Katie Lichtig, City Manager; Christi Hogin, City Attorney; Julia James, Administrative Services Director; Victor Peterson, Environmental & Community Development Director/Building Official; Michael Teruya, Planning Manager; Thomas Gorham, Senior Planning Consultant; Yugal Lall, Public Works Director; Barbara Cameron, Grant Consultant; Lt. Gressman, Sheriff's Department; and Lisa Pope, City Clerk.

FLAG SALUTE

Alan Carson led the Pledge of Allegiance.

CLOSED SESSION REPORT

Public Comment on Closed Session Items

None.

City Attorney Hogin report that the Council met in closed session at 5:30 p.m. to discuss the following items:

Existing litigation per Government Code Section 54956.9(a):

1. City of Arcadia, et al. v. Regional Water Quality Board, et al.
Los Angeles County Superior Court Case Nos. BS080807, BS080548, SO80753, BS080758, BS080791

2. City of Malibu v. California Coastal Commission (Streisand Center Coastal Permit)
Los Angeles County Superior Court Case No. BC230410
3. City of Malibu v. California Coastal Commission / TLC / Liebig (Referendum)
Los Angeles County Superior Court Case No. SS011355 (on appeal)
4. City of Malibu v. California Coastal Commission (AB988 / LCP)
Los Angeles County Superior Court Case No. SC074641
Related cases (city named as a party in interest):
 - a. Rick Appel v. California Coastal Commission
Case No. SC074658
 - b. Ralph Herzig v. California Coastal Commission
Case No. SS011382
 - c. Primrose Company v. California Coastal Commission
Case No. SS011386
 - d. Riverview Farm Associates v. California Coastal Commission
Case No. SS011383
 - e. Brian Sweeney v. California Coastal Commission
Case No. SS011387
 - f. Trancas-PCH v. California Coastal Commission
Case No. SC074640
 - g. Tuna Ridge v. California Coastal Commission
Case No. SC011381
 - h. Land Use Preservation Defense Fund v. California Coastal Commission
Los Angeles County Superior Court Case No. SS011388
5. Colony Beach Preservation Association v. California Coastal Commission
Los Angeles County Superior Court Case No. BS083683
6. Marine Forest Society v. California Coastal Commission Case No. 00AS00567 (Amicus)
7. Rubens v. City of Malibu
Los Angeles County Superior Court Case No. SC060331
8. Sierra Club v. City of Malibu (Forge Lodge)
Los Angeles County Superior Court Case No. BS083573
9. Silver v. City of Malibu
Los Angeles County Superior Court Case No. BS081960
10. Sweeney et al v. City of Malibu
Los Angeles County Superior Court Case No. SS011602
11. Taxpayers for Livable Communities; Jay Liebig II v. City of Malibu
Los Angeles County Superior Court Case No. BS0735585 (on appeal)
12. Taxpayers for Livable Communities, Povah, et al. v. City of Malibu
Los Angeles County Superior Court Case No. BS072794 (on appeal)
13. Trancas Property Owners Association v. City of Malibu
Los Angeles County Superior Court Case No. BS084112

14. United States of America ex rel. Darian v. Accent Builders inc. et al.
United States District Court Case No. CV00-10255-FMC(JWJx)

15. Visher v. City of Malibu
Los Angeles County Superior Court Case No. SC078703

City Attorney Hogin reported that the Council discussed some, but not all of the items listed on the Closed Session Agenda due to limited time and took no reportable action.

APPROVAL OF AGENDA

MOTION Councilmember Stern moved and Councilmember House seconded a motion to approve the agenda. The motion carried unanimously.

REPORT ON POSTING OF AGENDA

City Clerk Pope reported that the agenda for the meeting was properly posted on December 31, 2003, with the Amended Agenda posted on January 9, 2004.

ITEM 1 CEREMONIAL/PRESENTATIONS

A. Presentation of City Tile to Alan Carson in Recognition of Years of Exemplary Service to The City of Malibu

Mayor Kearsley presented a City tile to Alan Carson for his service to the City. Mr. Carson thanked the Council for the honor.

ITEM 2A PUBLIC COMMENTS

Margaret Shultz indicated she attended the Las Flores Canyon Rededication event today and thanked the Council for their commitment to the natural preserve. She thanked the community on behalf of the Malibu 2020 Vision Team for their interest and input. She stated a formal report would be presented to the Council. She provided a summary of the two workshops held in December 2003 and January 2004.

Jim Smith addressed the Council regarding the Brian Sweeney road. He discussed illegal brush clearance that had occurred. He questioned the City's approval in concept for a temporary road. He asked what the City's course of action would be in the legal matter.

John Mazza discussed the approved Coastal Commission's Environmentally Sensitive Habitat Area (ESHA) map for Point Dume and the City's proposed Local Coastal Program (LCP) map. He expressed

concern regarding the detriment to Malibu Riviera I residents of having an ESHA added to the gully in the area. He urged the City to adopt the same map as approved by the Coastal Commission.

Rod Bergen, President of Trancas Riders and Ropers (TR&R), thanked the Council for their efforts over the past year. He invited the Council to the awards banquet on Saturday, January 16, 2004.

Theresa Tuchman discussed the unsafe intersection of Corral Canyon and Pacific Coast Highway. She discussed Caltrans' refusal to install a signal at the intersection. She asked how many more injuries and deaths had to occur before Caltrans would do something. She urged the Council to protect public safety and the well being of Malibu's citizens. She requested the Council make a commitment to assist in getting a traffic signal at the intersection.

Michael Tuchman deferred his time to Elizabeth Harandi.

Elizabeth Harandi presented photographs of her husband who was injured in a traffic accident at Corral Canyon and Pacific Coast Highway.

Red Star read a letter from Kay Furgurson and Judy Decker regarding difficulties on the Native American Cultural Resources Advisory Committee (NACRAC).

Kristine Clark requested the Council install cameras in the City Hall parking lot. She stated her vehicle was vandalized while she was in a meeting at City Hall.

Norm Haynie discussed misinterpretations of planning policies and zoning ordinances. He suggested workshops be held including the Planning staff, Planning Commission and Councilmembers to review the policies and codes.

Lloyd Ahern discussed the upcoming April election. He discussed the effects of law enforcement on Pacific Coast Highway. He suggested the City hire a monitor who was an election law expert and conduct seminars on campaign finances.

Carol Randall discussed the accident at Corral Canyon and Pacific Coast Highway. She stated the Public Safety Commission was inviting Caltrans to its February meeting and she encouraged residents to attend.

ITEM 2B COUNCIL COMMENTS

Councilmember Jennings congratulated the Vision 2020 Committee on the workshops held. He requested that City Attorney Hogin respond to Mr. Smith's comments. City Attorney Hogin explained that she had advised staff regarding the variance requirements for Mr. Sweeney's road. She stated the City did not yet have a final judgment, therefore, the timeframe for the City to decide whether to comply with the court's order or to appeal the decision had not yet begun. She welcomed input from the public on the matter. Councilmember Jennings stated it would be necessary to review the tape of the hearing on the LCP and ESHAs. He stated that the City had not added ESHAs that were not mandated by the Coastal Commission. He stated that he would review the previous Council's discussion. City Manager Lichtig stated the matter would be discussed at the January 24, 2004 special meeting on the LCP. Councilmember Jennings thanked Mr. Bergen for the invitation to the TR&R event. He discussed the trails work done making it almost possible to ride on horseback on trails for about 20 to 25 miles. He discussed the financial contribution required in the Forge Lodge conditions of approval to establish a signal at Corral Canyon and Pacific Coast Highway upon warrant by Caltrans. He discussed problems with consistency in the Zoning Ordinance. He agreed with Mr. Ahern's suggestion to conduct seminars on campaign regulations. City Attorney Hogin stated that the City could hire an election lawyer as a neutral person to field campaign finance questions, conduct training and follow up on complaints. She stated the Fair Political Practices Commission (FPPC) and the City would provide information on regulations. She stated an item could be placed on a future agenda to determine if the Council would like to spend more money to address the issue.

Mayor Pro Tem Barovsky stated she attended the dedication of Las Flores Park. She expressed disappointment that the press did not come and stay. She stated she would be unable to attend the TR&R event. She indicated her commitment to work towards getting a signal at the intersection of Corral Canyon and Pacific Coast Highway. She indicated support for an outside objective opinion on campaign finance. She requested an item be placed on an upcoming agenda regarding campaign finance regulations.

Councilmember Stern congratulated Alan Carson on receiving a City tile. He indicated support for installation of a signal at Corral Canyon and Pacific Coast Highway. He indicated support for an objective, outside, third party, campaign finance monitor.

Councilmember House expressed sympathy to Ms. Harandi and encouraged the installation of a signal at Corral Canyon and Pacific Coast

Highway. She congratulated Mr. Carson for receiving a City tile and discussed his work in emergency preparedness and public safety. She commended the Vision 2020 Committee. She discussed the letter from Ms. Furgurson and Ms. Decker regarding the NACRAC. City Attorney Hogin suggested the matter be referred to the Administration and Finance Subcommittee. City Manager Lichtig stated an item related to NACRAC membership would be before the Council on January 26, 2004. Councilmember House suggested that the City Manager mention the vandalism to the landlord. She requested discussion on what could be done regarding the election. City Manager Lichtig stated the matter could be placed on the January 26, 2004 agenda for Council's consideration. Councilmember House stated she would be unable to attend the TR&R event.

Mayor Kearsley read a letter and showed the gift sent to the City from the City's adopted Alpha Company. He reported that the 101st Airborne would be returning to Fort Campbell at the end of January. He stated the City was having a banner made to welcome home the Gators. He indicated support for installation of a signal at Corral Canyon and Pacific Coast Highway. He suggested requesting a new traffic study be conducted. He indicated he would not be able to attend the TR&R event.

Councilmember Jennings congratulated Alan Carson for his work, particularly on Arson Watch.

Mayor Pro Tem Barovsky congratulated Mr. Carson.

CONSENSUS

By consensus, the Council directed staff to bring back an item on January 26, 2004 regarding the hiring an outside, third party consultant for election issues

ITEM 3 **CONSENT CALENDAR**

Item No. 3.B.9. was pulled by the public.

The Consent Calendar consisted of the following items:

- A. Previously Discussed Items
None.
- B. New Items
 - 1. Waive further reading

Staff recommendation: After the City Attorney has read the title, waive full reading of ordinances considered on this agenda for introduction on first reading and/or second reading and adoption.

2. Approve Warrants

Staff recommendation: Allow and approve warrant demand numbers 23630 through 23835 listed on the register from the General Fund and direct the City Treasurer to pay out the funds to each of the claimants listed in Warrant Register No. 300 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$958,843.16. ADP payroll voucher numbers 7138999-7139018, 7431404-7431420, and 7699090-7699105 were issued in the amount of \$298,307.43.

3. Approval of Minutes

Staff recommendation: Approve City Council meeting minutes for the May 12, 2003 Regular City Council meeting, June 9, 2003 Regular City Council meeting, June 18, 2003 Special City Council meeting, June 21, 2003 Special City Council meeting, November 10, 2003 Regular City Council meeting, November 24, 2003 Regular City Council meeting, December 8, 2003 Regular City Council meeting and December 15, 2003 Special City Council meeting.

4. Amendment to the Consultant Contract for the Preparation of the Environmental Impact Report (EIR) for Malibu Sycamore Grove Office Park and Civic Center Way Retail Park (formerly known as Schultz)

Staff recommendation: Approve Amendment No. 3 to Agreement between the City of Malibu and Christopher A. Joseph and Associates (CAJA) in the aggregate amount of \$26,695 for the preparation of the Environmental Impact Report (EIR) for Malibu Sycamore Grove Office Park and Civic Center Way Retail Park.

5. Rambla Pacifico Alternative Access – Appropriation of Funds

Staff recommendation: Appropriate \$15,344.09 from the General Fund to account number 100-0000-5100 for plan review services.

6. Planning Commission Vacancies

Staff recommendation: Ratify removal of Planning Commissioners Bob Adler (appointed by Councilmember Stern) and Deirdre Roney (appointed by Mayor Pro Tem Barovsky) and accept resignation of Richard Carrigan (appointed by Mayor Kearsley) from the Planning Commission.

7. Proposition 40 Per Capita and Roberti-Z'Berg-Harris Block Program Grant Applications

Staff recommendation: 1) Adopt Resolution No. 04-01 approving the application for grant funds for the per capita grant program

under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002; and 2) adopt Resolution No. 04-02 approving the application for grant funds for the Roberti-Z'Berg-Harris Block Grant Program under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002.

8. Authorization to Submit Proposition 40 Urban Park Act of 2001 Recreational Facilities Grant Application

Staff recommendation: Adopt Resolution No. 04-03 approving the application for grant funds for the Urban Park Act of 2001 Program under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 for construction of sports fields, restrooms and parking at Crummer Trust Parkland.

MOTION Councilmember Jennings moved and Councilmember Stern seconded a motion to approve the Consent Calendar with the exception of the Item No. 3.B.9. The motion carried unanimously.

The following item was pulled from the Consent Calendar for individual consideration:

9. Termination and Abandonment of Offers to Dedicate (OTDs) along Serra and Sweetwater Mesa Roads and at Portshead

Staff recommendation: 1) Adopt Resolution No. 04-04 ordering the termination and abandonment of offers to dedicate made by Theodore Wynkoop and recorded October 15, 1969 relating to real property along Serra and Sweetwater Mesa Roads; 2) adopt Resolution No. 04-05 ordering the termination and abandonment of offers to dedicate made by Marblehead Land Company and recorded December 7, 1945 relating to real property located near the intersection of Portshead and Pacific Coast Highway and 3) direct the City Clerk to record both resolutions in the Office of the County Recorder.

John Mazza thanked the Council for removing the easement on Portshead.

MOTION Councilmember Jennings moved and Councilmember Stern seconded a motion to 1) adopt Resolution No. 04-04 order the termination and abandonment of offers to dedicate made by Theodore Wynkoop and recorded October 15, 1969 relating to real property along Serra and Sweetwater Mesa Roads; 2) adopt Resolution No. 04-05 ordering the termination and abandonment of offers to dedicate made by Marblehead Land Company and recorded December 7, 1945 relating to real property located near the intersection of Portshead and Pacific Coast Highway and

3) direct the City Clerk to record both resolutions in the Office of the County Recorder. The motion carried unanimously.

ITEM 4 ORDINANCES AND PUBLIC HEARINGS

A. Approval of Use of Supplemental Law Enforcement Services Grant (Brulte) Funds for Fiscal Year 2003-2004

Staff recommendation: 1.) Conduct a public hearing; 2.) Authorize the recommendations of the Sheriff's Department for use of the Brulte grant funds for the 2003-2004 fiscal year; 3.) Authorize the use of Brulte reserve funds to fund the J-Team expenditures normally funded with Local Law Enforcement Block Grant (LLEBG) funds.

Administrative Services Director James presented the staff report.

In response to Councilmember House, City Manager Lichtig explained that the Brulte funds paid for half the cost of a motorcycle officer. Councilmember House asked if the ratio of motorcycles versus cars was reviewed. City Manager Lichtig stated there were two full-time motorcycle officers, with supplemental services during the summer.

MOTION Councilmember House moved and Mayor Pro Tem Barovsky seconded a motion to 1) authorize the recommendations of the Sheriff's Department for use of the Brulte grant funds for the 2003-2004 fiscal year and 2) authorize the use of Brulte reserve funds to fund the J-Team expenditures normally funded with Local Law Enforcement Block Grant (LLEBG) funds. The motion carried unanimously.

B. Award of Additional Community Development Block Grant Funds for FY 2003-04

Staff recommendation: Conduct a public hearing and authorize the use of additional Community Development Block Grant (CDBG) public service funds for the Malibu Community Labor Exchange.

Administrative Services Director James presented the staff report.

MOTION Mayor Pro Tem Barovsky moved and Councilmember House seconded a motion to authorize the use of additional Community Development Block Grant (CDBG) public service funds, appropriating \$5,000 to the Senior Center budget for additional staffing and \$4,716 awarded to the Malibu Community Labor Exchange. The motion carried unanimously.

C. Award of Community Development Block Grants for FY 2004-05

Staff recommendation: Conduct a public hearing and award \$14,574 in Community Development Block Grant (CDBG) funds to the Malibu Community Labor Exchange for the 2004-2005 fiscal year.

Administrative Services Director James presented the staff report.

MOTION Mayor Pro Tem Barovsky moved and Councilmember House seconded a motion to award \$14,574 in Community Development Block Grant (CDBG) funds to the Malibu Community Labor Exchange. The motion carried unanimously.

- D. ZONING TEXT AMENDMENT NO. 02-001 / NEGATIVE DECLARATION No. 02-001 – An amendment to Title 17 Zoning Ordinance, Chapter 17.62 (Development Permits), M.M.C. Section 17.02.060 (Definitions), M.M.C. Section 17.40 (Property Development and Design Standards), and other sections as applicable to the City of Malibu Municipal Code (M.M.C.) to clarify the procedures and requirements for the processing of development permits, to amend the findings for Site Plan Review, and to refine definitions and regulations related to protection of primary view (Continued from November 10, 2003)

Staff recommendation: Open the public hearing, consider the staff report and take public testimony. The Council should then discuss the proposed zoning text changes and direct staff to prepare any further recommended changes to the proposed Zoning Text Amendment (ZTA). Based on direction from the Council, staff will prepare the appropriate resolution and ordinance to adopt the proposed Negative Declaration and approve the proposed ZTA and bring the items back to the Council for final consideration.

Senior Planning Consultant Gorham presented the staff report.

In response to Councilmember House, Senior Planning Consultant Gorham discussed lighting restrictions.

In response to Councilmember House, Environmental and Community Development Director/Building Official Peterson explained the difference between a certified soils engineer and a California Registered geologist.

Mayor Kearsley asked if it was standard operating procedure for a geologist to obtain an opinion on soils. Environmental and Community Development Director/Building Official Peterson stated there was almost always a request for input from a geosoils engineer.

Senior Planning Consultant Gorham reviewed the issues related to primary view.

Councilmember House discussed the primary view on beachfront properties and indicated it to be straight ahead rather than 180 degrees. Senior Planning Consultant Gorham discussed the use of the stringline rule related to beachfront lots.

Councilmember Jennings suggested every stringline determination be a site plan determination.

Councilmember Stern suggested seawalls and bulkheads also be included in site plan review.

In response to Mayor Pro Tem Barovsky, Senior Planning Consultant Gorham explained that a house could only block 5% of the view at a time.

Senior Planning Consultant Gorham discussed the proposed stringline provisions.

Councilmember Stern suggested all stringline reviews fall under site plan review.

City Attorney Hogin explained the difficulties with stringline review.

Mayor Pro Tem Barovsky asked how the City's stringline differed from the Coastal Commission's. City Attorney Hogin stated that it did not. She stated the only difference was that the Coastal Commission's rule was a guideline and the City's was a formula. She explained the proposed revisions to require all stringlines to be subject to an initial determination, notice of decision and the opportunity for the neighbors to be heard.

Councilmember Jennings suggested the stringline provisions be modified to allow every stringline determination to be reviewed.

Councilmember Stern concurred with Councilmember Jennings and suggested adding notification to neighbors regarding seawalls and bulkheads.

Councilmember House suggested noticing determinations and allowing requests for a hearing within a certain time period.

Councilmember House asked what criteria was used for seawall protection. Environmental and Community Development

Director/Building Official Peterson explained that any seawalls or bulkhead modification would be subject to a Coastal Development Permit (CDP) and he explained that the effects of the wall on the beach and neighbors was taken into consideration.

Chris Hasselquist deferred his time to Mr. Mazza.

John Mazza suggested leaving lighting where it is. He discussed the time frame provided for appeals. He suggested a limit to the number of extensions. He addressed the Council regarding primary view protection.

Patt Healy stated that the public was not informed of administrative plan review determinations. She discussed the damage created by seawalls and stated seawalls could only previously be installed in an emergency situation. She suggested ESHA setbacks be reduced only if there was no other place to locate the structure. She suggested adhering to open space requirements in commercial developments.

Lucile Keller, representing Malibu Township Council, discussed the definition of remedial grading. She suggested additional review of retaining wall heights and provisions. She urged 1000-foot noticing be provided to rural residential zoning. She stated that the location of the view should not be dictated. She suggested retaining the original definition of where views were taken. She stated that the stringline language would be in conflict with the current LCP.

Charleen Kabrin expressed concern regarding non-notice of administration plan review. She stated that the staff used to provide the Planning Commission with a log of current projects. She stated 18-feet was not permitted by right.

Councilmember Stern stated 18-feet was permitted by right.

Norm Haynie stated the Coastal Commission had permitted many seawalls since 1996. He discussed view impacts. He discussed retaining wall height limitations and Fire Department regulations.

The Council discussed primary view protection and allowing the homeowner to select that view.

Councilmember Stern stated he had changed his mind and did not want to limit view protection to 15%.

Councilmember Jennings stated his recollection was that the Council had decided to not state a percentage limitation, but to make it a protected view.

Councilmember House stated it was necessary to include restrictions regarding chimney size.

Senior Planning Consultant Gorham recommended a chimney be considered an obstruction if located within the primary view.

Councilmember House asked if residents could select primary view from an outdoor patio or deck. Senior Planning Consultant Gorham stated that the primary view was currently allowed to be taken from a patio or deck.

CONSENSUS

By consensus, the Council determined to change the maximum extent feasible language to zero tolerance language in the 5th paragraph of section 17.40.040(18).

Councilmember House suggested deleting patios and decks from the main living area **definition on page 95 of the staff report.

CONSENSUS

By consensus, the Council determined to retain decks and patios as part of the main living area definition.

CONSENSUS

By consensus, the Council determined to retain existing language regarding rooms of primary views.

The Council discussed notification regarding stringline determinations. Senior Planning Consultant Gorham stated current notice was 500 lineal feet in both directions.

CONSENSUS

By consensus, the Council determined to retain existing rules on stringline determinations and have staff bring back a separate zone text amendment.

Councilmember Jennings explained that if the Council decided that all administrative decisions were appealable, notice must be given and everything must be noticed. He stated that if the goal was to simplify the process, this was a move in the opposite direction. He discussed the appellant provisions and indicated that there were four separate

provisions. He stated that there was a need to have one provision that governs the situation.

Mayor Pro Tem Barovsky asked Mr. Mazza to address Councilmember Jennings' comments. Mr. Mazza stated there were previous decisions where there was a perception that an error was made. He suggested a central point where persons could review permits being issued. He suggested a log on the website or at City Hall where people could review permits issued.

In response to Councilmember Jennings, Environmental and Community Development Director/Building Official Peterson explained that a monthly report of permits issued was prepared and available at the counter. He stated it was possible to create a list of the planning approvals issued and make it available on the website or at the counter.

Councilmember Jennings indicated that he felt that was an appropriate thing for the City to do. He recommended that the administrative reviews not be appealable.

Mayor Kearsley stated he would be amenable to a website database to provide notice. He stated that the CDP notification posted on the property would be a red flag for people to review the project.

Councilmember House agreed with Mayor Kearsley. She stated that she had seen newspapers in other cities that highlighted what permits or planning approvals had been granted. She indicated that one of the Council's jobs was to keep the community informed, and to provide a website or other place that interested people could go for information. She agreed that CDPs should be posted on property. She indicated support for widespread notification.

Mayor Kearsley indicated support for not noticing administrative reviews and putting a database system on website.

City Attorney Hogin reiterated that she was hearing the Council say that they wanted to increase public accessibility to approvals, and at the same time limit appeals to discretionary permits, variances, CUPs and site plan reviews. She discussed issues of timing related to the appeal process.

Councilmember Jennings suggested that every decision in the Planning Division should be subject to internal review.

Environmental and Community Development Director/Building Official Peterson explained that there was currently a quality control process established in the Planning Division.

Mayor Kearsley asked if a procedure could be written for the public to understand the process. City Attorney Hogin stated the Council could establish a policy or procedures.

Planning Manager Teruya stated that administrative review depended on the expertise of the staff to make the correct interpretation.

City Attorney Hogin reiterated Mayor Kearsley was suggesting a means of institutionalizing the public input process. Mayor Kearsley indicated that that was correct. He also stated that the City should give people enough notice and provide a procedure to go through a review process.

Mayor Pro Tem Barovsky indicated that she may support the idea of the administrative review process and lessening the appeals for minor modifications. She indicated the need to have some structure for people to come in and say "I think a mistake has been made," get a hearing and be listened to.

Councilmember Jennings stated there was some cleanup to do on the appellate issue. He indicated that there were at least two conflicting appeal provisions in the Zoning Ordinance. He suggested the Council hold the issue in abeyance, and he requested that staff come back with an outline of an administrative policy that would formalize the process that any aggrieved person might have over staff's decision.

CONSENSUS

By consensus, the Council determined to hold the issue in abeyance, direct staff to come back with an outline of an administrative policy that would formalize the process that any aggrieved person might have over staff's decision and eliminate appeals of administrative planning approvals.

Councilmember House suggested a time limit for extensions of building permits.

Councilmember Jennings stated that what was being discussed was planning approvals. He indicated that an automatic deadline just ties the hands of the community development director or building director. He stated that the building director and community development director can already say that the circumstances have changed and another extension is

not available. He indicated that this would just provide an opening to give another extension.

ITEM 5 OLD BUSINESS

None.

ITEM 6. NEW BUSINESS

None.

ITEM 7. COUNCIL ITEMS

- A. Council Appointments to City Commissions
Staff recommendation: Appoint new Commission members to various City Commissions.

Mayor Pro Tem Barovsky appointed Michael McDonnell to the Parks and Recreation Commission.

Mayor Kearsley appointed Alan Carson the Public Safety Commission.

Councilmember House appointed Carol Randall to the Public Works Commission.

Mayor Pro tem Barovsky appointed Joel Walker to the Planning Commission.

Mayor Kearsley appointed Les Moss to the Planning Commission.

Councilmember Stern appointed Pete Anthony to the Planning Commission.

ADJOURN At 9:48 p.m. Mayor Pro Tem Barovsky moved and Mayor Kearsley seconded a motion to adjourn. The motion carried unanimously.

Approved and adopted by the City Council of
the City of Malibu on January 28, 2004.

KENNETH KEARSLEY, Mayor

ATTEST:

LISA POPE, City Clerk
(seal)